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MEDTRONIC, INC. 710 MEDTRONIC PARKWAY NE MINNEAPOLIS, MN 55432-9924			EXAMINER COBANOGU, DILEK B	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### *Notice to Applicant*

1. This communication is in response to the amendment received on 9/29/2008.

Claims 1, 4-20 remain pending in this application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-14, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (hereinafter Nelson) (U.S. Patent No. 6,480,745 B2), Stawikowski et al. (hereinafter Stawikowski) (U.S. Patent Publication No. 2002/0046239 A1) and further in view of Trusheim et al. (hereinafter Trusheim) (U.S. Patent No. 6,385,589 B1).

A. Claim 1 has been amended now to recite a system for exchanging medical data, the data exchange system comprising:

- i. means for acquiring medical data (Nelson; col. 5, lines 14-31);
- ii. means for handling medical data wherein medical data may be stored, analyzed, or displayed (Nelson; col. 7, lines 21-39);
- iii. a plurality of web services for performing a data exchange function between the means for acquiring medical data and the means for handling medical data, wherein one of the web services is a translation web service having an input method for receiving medical data in a first format and for

receiving a request for an output format, wherein the requested output format is one of a plurality of output formats, and an output method for returning medical data to an invoking application in the requested output format.

(1) Nelson fails to expressly teach a plurality of web services for performing a data exchange function between the means for acquiring medical data and the means for handling medical data. However, this feature is well known in the art, as evidenced by Stawikowski.

In particular, Stawikowski discloses a plurality of web services for performing a data exchange function between the means for acquiring medical data and the means for handling medical data (Stawikowski; abstract, paragraphs: 0001-0002, 0004-0005).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Stawikowski with the motivation of to be able to exchange data directly on an IP network (Stawikowski; paragraph: 0006).

(2) Nelson fails to expressly teach a translation web service having an input method for receiving medical data in a first format and for receiving a request for an output format, wherein the requested output format is one of a plurality of output formats, and

an output method for returning medical data to an invoking application in the requested output format. However, this feature is well known in the art, as evidenced by Trusheim.

In particular, Trusheim discloses a translation web service having an input method for receiving medical data in a first format and for receiving a request for an output format, wherein the requested output format is one of a plurality of output formats, and an output method for returning medical data to an invoking application in the requested output format (Trusheim; col. 8, lines 1-15, col. 11, line 25 to col. 12, line 11, fig. 3).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Trusheim with the motivation of translation data files into a common format (Trusheim; col. 8, lines 1-15).

B. Claims 4-18 have not been amended, and Applicant does not appear to argue the separate patentability of these claims. As such, claims 4-18 are rejected for the same reasons given in the previous Office Action (paper number 4-7), and incorporated herein.

C. The amendment to system claims 19 and 20 reflect the same changes made to system claim 1, and is therefore rejected for the same reasons given above for system claim 1 in addition to the reasons given in the prior Office Action (paper number 7-9).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (hereinafter Nelson) (U.S. Patent No. 6,480,745 B2), Stawikowski et al. (hereinafter Stawikowski) (U.S. Patent Publication No. 2002/0046239 A1), Trusheim et al. (hereinafter Trusheim) (U.S. Patent No. 6,385,589 B1) and further in view of Official Notice.

A. Claim 15 has not been amended, and Applicant does not appear to argue the separate patentability of this claim. As such, claim 15 is rejected for the same reasons given in the previous Office Action (paper number 9), and incorporated herein.

#### ***Response to Arguments***

5. Applicant's arguments filed 9/29/2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear.

A. In response to Applicant's argument about Trusheim does not teach a plurality of output formats and translator 31 is not a web service" Examiner respectfully submits that Trusheim teaches a web server (50) in col. 11, line 24-26, which is in communication with a translator (31) (fig. 11). Trusheim teaches "The translator translates source data files 30 into a common format for use in the present invention. In a preferred embodiment, translator 31 consists of two elements. The first element is a translation program, such as Mercator.RTM, which receives a data file having a first format and translates the data file into an output file having a second format. The second element consists of maps used

by the translation program to translate data files from the first format to the second format." In col. 8, lines 1-15. Examiner notes that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, and then it meets the claim. The translator of Trusheim translates data files from one format to another; therefore the structure is able to provide a requested output format.

#### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
7. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DILEK B. COBANOGLU** whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B. C./  
Examiner, Art Unit 3626  
12/30/2008

/Robert Morgan/  
Primary Examiner, Art Unit 3626